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POWELL, GOLDSTEIN (DTI-17)

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**FACSIMILE TRANSMISSION COVER SHEET**

Date: October 24, 2006

To: Mail Stop AF  
Attention: Danton D. DeMille

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Art Unit: 3764

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Applicants: Yury M. Podrazhansky et al.

Appl. No.: 10/761,726

Conf. No.: 3657

Title: METHOD AND APPARATUS  
FOR IMPROVING LOCAL  
BLOOD AND LYMPH  
CIRCULATION

From: Charles L. Warner II  
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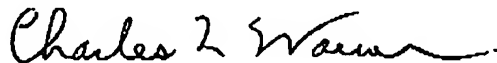
**COMMENTS:****Dear Examiner DeMille:**

Attached is a copy of *Perricone v. Medicis Pharmaceutical Corporation*, 432 F.3d 1368, 77 USPQ2d 1321 (Fed. Cir. 2005).

I believe that this case is relevant to rejection and claims of the instant application, please see headnotes 10-17, and pages 6 through 10, especially headnote 16 and pages 8 and 9 discussing the validity of claim 1 of the referenced '693 patent.

Please advise me once you have reviewed this case. I would like to discuss any necessary amendments to the claims to obtain an allowance in this case or a continuing application thereof.

Respectfully submitted,



Charles L. Warner II

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